

David I. Schoen
Attorney at Law
2800 Zelda Road, Suite 100-6
Montgomery, Alabama 36106
Telephone: 334-395-6611
Facsimile: 917-591-7586
E-Mail: Schoenlawfirm@gmail.com

September 15, 2021

Honorable Eric R. Komitee
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *U.S. v. Orena*; 92-cr-351 (EK) (Related: 20-cv-4548 (EK))

Dear Judge Komitee:

I represent the Defendant (Movant), Mr. Victor Orena, in the above-referenced case. On September 12, 2021, I wrote to the Court to comply with the Court's Text Order dated August 19, 2021 and I addressed a number of subjects [ECF# 1871].

Toward the end of the letter, I wrote that I had just received a report that Mr. Orena had a stroke and that this might impact on the request that he be permitted to appear in person. I advised that I was endeavoring to check into the report further and would report back to the Court with any findings [ECF# 1871 at 5, n. 6].

I contacted the legal department of the prison where he is housed and they provided me with his most recent medical records, without answering the question as to whether he recently had a stroke (his doctors previously would communicate with Mr. Orena's family; but they have not responded since the motion for compassionate release was filed). I have examined the recent medical records and do not see any notation indicating a recent stroke. Accordingly, I do not have any medically-based reason to believe that it is accurate that Mr. Orena recently suffered a stroke and therefore I continue to request that Mr. Orena appear in person on October 13, 2021, as I wrote in response to the Court's directive [ECF# 1871 at 1-2]. I would like to advise the Court, however, that an evaluation dated August 16, 2021, reflects the continuing manifestation of the overriding advanced dementia issue, described in greater detail in an earlier sealed filing.

Respectfully,

/s/ David I. Schoen
Counsel for Victor J. Orena

cc: AUSA Devon Lash, Esq.; AUSA Elizabeth Geddes, Esq. (Both Via ECF)